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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,098	02/06/2004	Nicholas P. Van Brunt	7175-74405	8362
23643	7590	06/13/2005	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			PHAM, HUONG Q	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/774,098

Applicant(s)

VAN BRUNT ET AL.

Examiner

Huong Q. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005 and 06 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

A request for continued examination under 37 CFR 1.114 was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/11/2005 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 12, 14-15, 17- 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al ( 4,424,806) in view of Warwick et al ( 4,838,263). As for claim 1, Newman et al teaches a pneumatic chest compression vest comprising a front panel 30 having a central bib portion and side portions ( figure 1), a flexible air bladder 30, 32, air port 48, belts 34, 36 for positioning the front panel 30 over a patient's chest. Warwick et al teaches oscillatory chest compression apparatus with shell 14, bladder 16, plural air ports . On lines 62- 68 ( column 4) and lines 1-2 ( column 5) , Warwick et al teaches

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that shell 14 maybe made of rigid material or having pockets with rigid plates so that the expansion forces of the bladder are directly inwardly against the chest of the patient to concentrate the forces and prevent the vest from expanding outwardly. In view of the teaching of Warwick et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide plural airports and rigid front panel for the vest of Newman et al to concentrate the forces inwardly against the patient's chest. As for claim 11, 17, note figure 1 of Newman et al. As for claims 5 -6, note that Newman et al teaches substantially the recited dimensions, and the provision for the exact dimensions is well within the realm of one of ordinary skill in the art, and does not provide any unobvious result, and therefore is not patentable over prior art . It is obvious to one of ordinary skill in the art to provide dimensions which are within the range of the size of the average person. As for claims 10, 18, any conventional material used to make up the vest based on its well-known properties would have been an obvious provision. As for claims 19 – 22, note the comments above relative to claims 1-12, 14- 15, 17 -18. As for claims 23 – 24, 26 – 32, note that the device of Newman et al and Warwick et al teaches the recited steps for mounting and using the device. As for claim 25, crossing the shoulder straps in front of the vest is a conventional way of securing the vest to provide both vertical restraining forces as well as lateral restraining forces. This provision does not provide any unobvious result, and therefore is not patentable over prior art.

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Claims 13, 16, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al ( 4,424,806) in view of Warwick et al ( 4,838,263), and further in view of Akerman et al ( 2,588,192).

As for claim 13, Akerman et al teaches an air bladder with a width of about 21 inches ( figure 3) . In view of the teaching of Akerman et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the air bladder of Newman et al with a width of about 21 inches to fit a wearer. The provision for the exact dimensions is well within the realm of one of ordinary skill in the art, and does not provide any unobvious result, and therefore is not patentable over prior art . It is obvious to one of ordinary skill in the art to provide dimensions which are within the range of the size of the average person. As for claims 16, 33, note the suspenders 17, 18 of Akerman et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Newman et al with suspenders to further secure the device to a wearer.

Applicant's arguments with respect to claims 1- 33 have been considered but are moot in view of the new ground(s) of rejection.

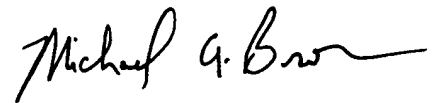
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huong Q. Pham whose telephone number is (571) 272-4980. The examiner can normally be reached on 6:30 AM - 3:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on ( 571) 272 - 4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 6, 2005



**MICHAEL A. BROWN**  
**PRIMARY EXAMINER**